



General Assembly

Substitute Bill No. 5210

January Session, 2017

* _____HB05210LAB_____030717_____*

**AN ACT CONCERNING VARIOUS PAY EQUITY AND FAIRNESS
MATTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-75 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) No employer shall discriminate in the amount of compensation
4 paid to any employee on the basis of sex. Any difference in pay based
5 on sex shall be deemed a discrimination within the meaning of this
6 section.

7 (b) If an employee can demonstrate that his or her employer
8 discriminates on the basis of sex by paying wages to employees at the
9 employer's business at a rate less than the rate at which the employer
10 pays wages to employees of the opposite sex at such business for equal
11 work on a job, the performance of which requires equal skill, effort and
12 responsibility, and which are performed under similar working
13 conditions, such employer must demonstrate that such differential in
14 pay is made pursuant to (1) a seniority system, provided time spent on
15 leave due to a pregnancy-related condition or protected family and
16 medical leave shall not reduce seniority; (2) a merit system; (3) a
17 system which measures earnings by quantity or quality of production;
18 or (4) a differential system based upon a bona fide factor other than

19 sex, such as education, training or experience. Said bona fide factor
 20 defense shall apply only if the employer demonstrates that such factor
 21 (A) is not based upon or derived from a sex-based differential in
 22 compensation, and (B) is job-related and consistent with business
 23 necessity. Such defense shall not exist where the employee
 24 demonstrates that an alternative employment practice exists that
 25 would serve the same business purpose without producing such
 26 differential and that the employer has refused to adopt such
 27 alternative practice.

28 (c) No employer shall discharge, expel or otherwise discriminate
 29 against any person because such person has opposed any
 30 discriminatory compensation practice or because such person has filed
 31 a complaint or testified or assisted in any proceeding pursuant to
 32 section 31-76.

33 (d) No employer shall inquire about a prospective employee's wage
 34 and salary history before an offer of employment with compensation
 35 has been negotiated and made to the prospective employee unless a
 36 prospective employee has voluntarily disclosed such information.

37 (e) It shall be an affirmative defense in any action against an
 38 employer alleging a violation of subsection (a) of this section that the
 39 employer, within the previous three years and prior to the
 40 commencement of the action, has completed a self-evaluation of its pay
 41 practices in good faith and can demonstrate that reasonable progress
 42 has been made to eliminate wage differentials based on gender for
 43 equal work. An employer shall not use an employee's prior wage and
 44 salary history as a defense to such action.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	31-75

LAB Joint Favorable Subst.

